

ZB# 03-13

Joseph DeLeonardo

12-1-30

DE LEONARO, JOSEPH
19 HILLSIDE AVE. 12-1-30
INTERPRETATION 3-FAMILY

03-13

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

APPROVED

4-28-03

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-13 TYPE: AREA _____ USE ☒APPLICANT: Kerry Kirk for Joseph DeLeonardo1647 Roland Ave.Wanago, NY 11793TELE: 565-6690 X225 - KirkRESIDENTIAL: \$ 50.00 CHECK # 1365COMMERCIAL: \$150.00 CHECK # _____INTERPRETATION: \$00.00 CHECK # _____ESCROW: \$500.00 CHECK # 1366
300.00DISBURSEMENTS:MINUTES ATTORNEY FEES
\$4.50 PER PAGE \$35.00 / MEETINGPRELIM.....3 1/2.....\$ 22.50 \$ 35.002ND PRELIM.....\$ _____ \$ _____3RD PRELIM.....\$ _____ \$ _____PUB HEARING.....4 1/2.....\$ 18.00 \$ 35.00

PUB HEARING (CONT)...\$ _____ \$ _____

TOTAL \$ 40.50 \$ 70.00

OTHER CHARGES:.....\$ _____

* * * * *

ESCROW POSTED: \$ 300.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 189.50

600



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 12, 2003
SUBJECT: ESCROW REFUND - 03-13 - DeLEONARDO

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 189.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-13

NAME: JOSEPH DeLEONARDO

ADDRESS: 1647 ROLAND AVENUE

WANTAGH, NY 11793

THANK YOU,

MYRA

L.R. 8-12-03



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

July 8, 2003

Mr. Joseph DeLeonardo
1647 Roland Avenue
Wantagh, NY 11793

SUBJECT: 19 Hillside Avenue

Dear Mr. DeLeonardo:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 12-1-30

In the Matter of the Application of

JOSEPH DE LEONARDO

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION

CASE #03-13

WHEREAS, Joseph DeLeonardo, owners of 19 Hillside Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Interpretation and/or use variance for a three-family dwelling in an R-4 zone and;

WHEREAS, a public hearing was held on the 28th day of April 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Ms. Kerry Kirk appeared on behalf of the applicant and this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting an interpretation; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a three-family dwelling located in a neighborhood and zoned for single family dwellings.
 - (b) The property consists of a single-family main dwelling and two apartments located in the same building.

- (c) Letters were accepted by the Zoning Board of Appeals from persons who were tenants in the apartments in the building from 1954 to 1962 and from 1960 to 1962.
- (d) A person testified that she lived next door to the premises from 1950 until approximately one year ago and during that time the building was continuously used and occupied as a three-family dwelling.
- (e) The property has been assessed as a three-family dwelling since 1978.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The property is a legal three-family dwelling.
2. The property has been continuously used and occupied as a three-family dwelling since before the enactment of zoning laws in the Town of New Windsor and, therefore, its continued use as a three-family dwelling is legal.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an Interpretation for a three-family dwelling in an R₁-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: July 8, 2003


Chairman

PUBLIC HEARINGS:

KERRY KIRK FOR JOSEPH DELEONARDO (03-13)

Ms. Kerry Kirk appeared before the board for this proposal.

MR. TORLEY: Request for an interpretation and/or use variance for a three-family dwelling at 19 Hillside Avenue in an R-4 zone. Is there anyone besides the applicant who wishes to speak on this matter? Seeing no one, so indicate in the record.

MS. MASON: On April 11, 2003, 32 addressed envelopes containing the public hearing notice was mailed out.

MR. REIS: Any responses?

MS. MASON: No.

MS. KIRK: First thing that we're trying to do is get the interpretation of use. When I was here last, I did have two letters with me from tenants who occupied the property from '54 to '62 and another one from '60 to '62. I was then able to get a next door neighbor who had lived on the property from 1950 till last year and all the years that she lived next door to it it was used as a three family, so she wrote me a letter and then just in case if anybody ever wants to know this, if you go to the public library, you can actually pull up the old cross reference directories and it says, Mike knows what I'm talking about, not all of them, it's odd years, like they'll have four years in a row where you look up the street, actually says who lived there, what their phone number was.

MR. TORLEY: We'll receive these for the record, first cross reference directory showing three separately named persons residing at this dwelling in 1963, 1964, 1965, 1966 and 1967.

MS. KIRK: You know I through that in, there was one vacancy in one unit in '66 but then '67 it was full.

MR. TORLEY: Another letter from Miss Roseann Cubito.

To Whom It May Concern, Town of New Windsor. I Roseann Antonelli Cubito have been a resident at 15 Hillside Avenue, New Windsor since 1950. The house next door to me, 19 Hillside Avenue, New Windsor owned by Camille and Joseph DeLeonardo since 1978 has been continually occupied as a three-family house. If I can be of any assistance to the DeLeonardos or the Town Zoning Board, please fell free to contact me. Letter dated 3/29. Another one December 11, 2002 from Jean Francasi (phonetic). I occupied a one bedroom apartment at 19 Hillside Avenue from 1960 to 1962. A third letter from Camille Lastarsia (phonetic). To Whom It May Concern: Just to let you know that I was the first tenant to rent the two bedroom downstairs apartment at 19 Hillside Avenue, New Windsor in 1954 to 1962. At that time, my married name was Mrs. Vincent Pettorette (phonetic).

MS. KIRK: And these are the microfiches of the directories, I hand wrote them but I did bring a magnifying glass in anybody wants to attempt to read that. It's horrible, I got a headache.

MR. TORLEY: This is the kind of documentation we'd like to see. I didn't know this data would exist.

MS. KIRK: I'll be honest with you, I didn't either, I went down to the library and told them my predicament and they were the ones who said to go to the local history and that's where it was.

MR. TORLEY: Gentlemen, do you have any motion on the interpretation that this is a three-family house pre-existing zoning?

MR. REIS: I'm comfortable with it.

MR. TORLEY: Any questions on this? Do I hear a motion for an interpretation on this matter?

MR. REIS: I'd like to ask the building inspector a question. Structurally, as far as you're concerned as the building inspector, there's no violations or anything that's--

MR. BABCOCK: Actually, we never inspected the house as of yet, basically, if it's determined that this house predates zoning, it wouldn't require an inspection, it's just been there forever and that's it. The assessor's office picked it up as a three family in 1978 which is funny that the date, and that was apparently a time of a sale or whatever.

MS. KIRK: It was actually my client who instructed his attorney to follow up on the legality of the house and I don't know who dropped the ball.

MR. BABCOCK: So basically if it's determined tonight that it's the interpretation that it predates zoning that's it, we'll just write a new letter saying it predates zoning and it's over.

MR. MC DONALD: We have what, 1952 or--

MR. TORLEY: One letter from 1950 to 1962.

MS. KIRK: I had a contractor in and when we went in to the building, even though I'm the listing agent, you start looking closely at a house, as we're walking around he's going you know, I think it was built originally and then as he started pointing things out, I'm going there's no basement steps, there's no place where they could have been, all these weird things and all the cabinets are all from 1950, you know, it might of actually been built like this, not even converted, I didn't even notice that.

MR. MC DONALD: Two apartments are where?

MS. KIRK: One is down and one is actually on the first floor.

MR. TORLEY: You realize that should this interpretation be granted in essence making this predating zoning, it doesn't relieve you from any other fire codes or anything else like that.

MS. KIRK: I know, I'll let the owner be aware of that.

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir, if there are no other questions.

MR. REIS: I make the motion that we accept based on the documentation that's been submitted that 19 Hillside Avenue be interpreted to be a three family dwelling prior to zoning requirements.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

APT. 3

806 Broomingrove Twpk [apt.
New Windsor, N.Y. 12553
Dec. 10, 2002

To Whom It May Concern:

Just to let you know that I was
the first tenant to rent the two bedroom (down sta)
apartment at 19 Hillside Ave., New Windsor
N.Y., in 1954 to 1962. At that time my
married name was Mr. + Mrs Vincent Pelletier.
If any further information is needed, I
can be reached at (945-561-1312).

Respectfully,


Carmella Starciak

APT. 2

DEC 11, 2002

To Whom it may Concern:

I occupied a one-bedroom
apartment at 19 Hillside Ave
New Windsor, N.Y. from
1960 to 1962.


JEAN FRACASSE

JEAN FRACASSE
1 KENTUCKY DR

3/29/03

To Whom it May Concern, Town NW Planning Board

I Rose Ann Antarelli-Cubito has been a resident at 15 Hillside Ave, New Windsor N.Y. since 1950.

The house next door to me, 19 Hillside Ave, New Windsor, N.Y., owned by Carmella & Joseph De Leonardo since 1978, has been continuously occupied as a three (3) family house.

If I can be of any assistance to Joseph De Leonardo or the Town Zoning Board, please feel free to contact me at 845-562-5111.

I remain,

Sincerely,
Rose Ann Cubito

1963 - Joseph Mancinelli
Ignazio Catanzaro
Winifred Krenncke

1964 - Joseph Mancinelli
Ignazio Catanzaro
Carol & Melvin Gee

1965 - Thomas Mancinelli
Ignazio Catanzaro
Carol & Melvin Gee

1966 - George DeChristopher
Ignazio Catanzaro
Vacant

1967 - George DeChristopher
Ignazio Catanzaro
Bruce Carey



RESULTS OF Z.B.A. MEETING OF: April 28, 2003

PROJECT: Kerry Kirk for (Joseph DeLeonardo) LBA # 03-13
P.B.#



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____
TORLEY _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
~~KANE~~ _____
TORLEY _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES yes

VARIANCE APPROVED: M) R S) M VOTE: A 4 N 0.

RIVERA A
MC DONALD A
REIS A
~~KANE~~ _____
TORLEY A
CARRIED: Y ✓ N _____
Pre-dates Zoning

From Cross Reference Directory

Letters read into record



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

April 22, 2003

Prudential Rand Realty
P.O. Box 778
Vails Gate, NY 12584

Attn: Kerry Kirk

SUBJECT: PUBLIC HEARING FOR JOSEPH DELEONARDO - ZBA

Dear Ms. Kirk:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

19 Hillside Avenue
New Windsor, NY

is scheduled for the April 28th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason

Myra Mason, Secretary
Zoning Board of Appeals

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

JOSEPH DE LEONARDO

AFFIDAVIT OF
SERVICE
BY MAIL

#03-13

_____ X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 11TH day of **APRIL**, 2003, I compared the 32 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

11th day of April, 2003

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

P. H.
04/28

Assessors Office

March 27, 2003

Joseph Deleonardo C/O
Kerry Kirk (Prudential Rand Realty)
P.O. Box 778
Vails Gate, NY 12584

Re: 12-1-30 ZBA# 03-13

Dear Sir:

According to our records, the attached list of property owners, are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley
Sole Assessor

JTW/jjl
Attachments

CC: Myra Mason, ZBA

9-1-7.2

Frank & Rose Giordano
46 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-9.1

Suzanne Brown Lewis
40 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-31 & 12-1-32

Gino & Ella Cracolici
23 Hillside Ave.
New Windsor, NY 12553 ✓

9-1-8 & 12-1-13

Archie P. & Gloria Jean Antonelli
28 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-10 & 12-1-11

Samuel L. & Kathryn A. Sorbello
34 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-33

Jamie L. & Wilma M. Anzalone
27 Hillside Ave.
New Windsor, NY 12553 ✓

9-1-9 & 12-1-12

Josephine & Patsy Di Paolo
32 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-14

Kevin P. & Ellen T. Mann
24 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-34 & 12-1-35

Bernard E. Mc Cullom
31 Hillside Ave.
New Windsor, NY 12553 ✓

9-1-11

Ofer Avgush
152 Route 202
Garnerville, NY 10923 ✓

12-1-16

Philomena Guariglia Mahood
20 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-36 & 12-1-37

John III & Louise M. Baker
35 Hillside Ave.
New Windsor, NY 12553 ✓

9-1-12.1

BJS Holding, LLC
38 West 32nd Street., Room 1201
New York, NY 10001 ✓

12-1-18.1

Samuel Jr. & Eric Acquaro
Life Estate for Samuel J.
16 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-38

Anthony & Rose Damiano
39 Hillside Ave.
New Windsor, NY 12553 ✓

9-1-12.2

Angeline Talmadge C/o Bernie Calandrea
13 Veronica Ave.
New Windsor, NY 12553 ✓

12-1-19

Secretary of HUD First Preston
Foreclosure Specialists
One Sentry Place
475 Sentry Parkway # 5000
Blue Bell, PA 19422 ✓

12-1-39

John J. & Ellen L. Antonelli
43 Hillside Ave.
New Windsor, NY 12553 ✓

9-1-13

Roman Catholic Church of St. Joseph
6 St. Joseph Place
New Windsor, NY 12553 ✓

12-1-23

Ofer Avgush
4 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-44.1

William Schwartz
356 Union Ave.
New Windsor, NY 12553 ✓

9-1-25.3

Herbert H. Redl
80 Washington St.- Suite 310
Poughkeepsie, NY 12601 ✓

12-1-24

Louis J. & Kathleen Antonelli
3 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-46.1

Jonle Enterprises Inc.
354 Union Ave.
New Windsor, NY 12553 ✓

9-1-25.4

Pleasant Acres Nursery Inc.
151 Windsor Hwy.
New Windsor, NY 12553 ✓

12-1-27 & 12-1-49

Frank P. Sr. & John R. Antonelli
170 Windsor Hwy.
New Windsor, NY 12553 ✓

12-1-48

Central Hudson Gas & Electric Corp.
284 South Ave.
Poughkeepsie, NY 12602 ✓

12-1-7

Aldo Montoya
44 Hillside Ave.
New Windsor, NY 12553 ✓

12-1-28 & 12-1-29

Joseph F. & Rose Ann Cubito
15 Hillside Ave.
New Windsor, NY 12553 ✓

12-2-1

Orwest Realty Corp. C/O DB Companies
P.O. Box 9471
Providence, RI 02940-9471 ✓

12-2-2

David Sarinsky

298 Union Ave.

New Windsor, NY 12553 ✓

4-2-21.12 & 4-2-21.22 ✓

RPA Associates LLC

C/O AVR Realty Company

1 Executive Blvd.

Yonkers, NY 10701

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-13

Request of JOSEPH DE LEONARDO

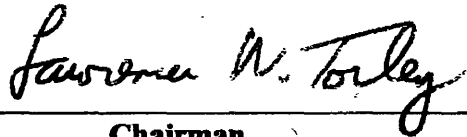
for an INTERPRETATION AND/OR USE VARIANCE of the Zoning Local Law to Permit:

A Three-Family Dwelling in an R-4 Zone

for property located at: 19 HILLSIDE AVENUE - NEW WINDSOR, NY

known and designated as tax map Section 12 Block 1 Lot 30

PUBLIC HEARING will take place on APRIL 28TH, 2003 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Chairman

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 03-25-2003 PROJECT NUMBER: ZBA# 03-13 P.B. # _____

APPLICANT NAME: JOSEPH DELEONARO

PERSON TO NOTIFY TO PICK UP LIST:

KERRY KIRK (PRUDENTIAL RAND REALTY)

P.O. BOX 778

VAILS GATE, NY 12584

TELEPHONE: 565-6690 EXT. 225

TAX MAP NUMBER:	SEC. <u>12</u>	BLOCK <u>1</u>	LOT <u>30</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 19 HILLSIDE AVENUE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1364

TOTAL CHARGES: _____



RESULTS OF Z.B.A. MEETING OF: March 24, 2013

PROJECT: Kirk (from Joseph D'Leonardi)

ZBA # 03-13
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) K S) R VOTE: A 4 N 0
RIVERA A
~~MCDONALD~~
REIS A
KANE A
TORLEY A
CARRIED: Y ✓ N 0

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N

RIVERA
MCDONALD
REIS
KANE
TORLEY

CARRIED: Y N

Get Letters from Kerry Kirk
Has multiple meters
Better to go for "Grandfathered"
Get Short form EAF

PRELIMINARY MEETINGS:

KERRY KIRK (FOR JOSEPH DELEONARO) #03-13

Ms. Kerry Kirk appeared before the board for this proposal.

MR. TORLEY: Request for a use variance for a three-family dwelling at 19 Hillside Avenue in an R-4 zone.

MS. KIRK: I'm with Prudential Rand Realty. My client purchased the home in 1978, it was assured by all parties that it was a three family. I do have a partial letter where the attorney did apparently try to pursue this. There were tenants in it prior to this so just trying to show that it's been a three family as far back as we can tell since 1959 and just asking that it be grandfathered. My client is 74 years old, of poor health and trying to go to warmer climates.

MR. KANE: Do you understand what you need to prove to get the use variance?

MS. KIRK: Well, I have to prove hardship, have to prove that the neighborhood won't be altered in its characteristics for which the neighborhood currently does have ten vacant land parcels, ten multi-family, taxable multi-family parcels and 12 single family homes so it's currently a third, a third and a third. And it's been that way as far as I can tell for many years. So the hardship part we did try to see if we can sue anybody involved in the purchase of the home to get some monetary compensation but we were informed by an attorney that the statute of limitations has expired.

MR. KANE: Your best bet to get a use variance is going to be extremely difficult, your best bet is to be grandfathered in as an interpretation that this was used before zoning which you indicated was probably late 1950's.

MS. KIRK: I do have some letters from tenants who lived in the property.

MR. TORLEY: For the public hearing.

MR. KANE: That will help.

MR. TORLEY: Not only do they have to show that they are renting and it's before zoning came in but continued throughout the time.

MR. KANE: As best as you can. Any that you paid as a multi-family house in taxes overall these years would help.

MS. KIRK: As far as I can tell, it was when the attorney pursued checking with the Town of New Windsor in 1978 cause the letter that I have from the attorney to the Town says he authorizes the building inspector to go out and check the property to make sure that it's in compliance with existing Town ordinances and the property card shows that at this point in time that somebody obviously did go out and that's when it went from 210 to 230.

MR. BABCOCK: 210 is single, 330 is three family.

MR. KANE: Do you have the multiple gas and electric meters in the home?

MS. KIRK: Yes.

MR. KANE: Anything that you can go back with old bills.

MS. KIRK: We called Central Hudson and they said they can't help us, their records don't go back that far.

MR. KANE: You see where we're going, the more records predating zoning which is 1966.

MR. BABCOCK: January 1st.

MR. KANE: Before that is going to help the cause cause other than that to get a use variance probably never mind the self-created hardship, the hardest hurdle that you have to come across to get a use variance is to prove that you cannot sell that house as a one-family

house, not making a profit, just making a reasonable return.

MS. KIRK: We probably could make a reasonable return but the problem being he's 74 years old on a fixed income of which this is part of it to remove two kitchens and to redo all of the sheet rock and et cetera.

MR. KANE: That you would need when you come in for the public hearing, you need to spell that out dollars and cents.

MS. KIRK: Let me ask you one quick question. The letters are from tenant which is from '54 to '62 and the other tenant said '60 to '62, so are you basically telling me I have to prove '64 to '66?

MR. REIS: '62 through '66 and there on continual use.

MR. KANE: Well, you don't have to for every year.

MS. KIRK: Because he probably has every canceled check from every tenant he ever had.

MR. TORLEY: Has to be continuous, you have a one year grace.

MR. BABCOCK: Two years.

MR. KANE: But she's come as close as she can and that's it, that's a reasonable--

MS. KIRK: Bring in estimates.

MR. KANE: You have to cover every base because it's going to be tough to follow.

MR. TORLEY: If you fail the grandfathering test then you're going to have some very, very high hurdles. You said that you thought you could get a sale as a two family is allowable in R-4, isn't it?

MR. BABCOCK: No, one family.

MR. TORLEY: The law says reasonable return, not even a profit but a reasonable return as a one-family house. You won't necessarily have to tear out and sell it as a one-family house, it can be as it is.

MR. BABCOCK: No, it's three separate units, three separate meters, three separate kitchens, three separate doors, three separate everything.

MS. KIRK: Can't access each apartment.

MR. KANE: Which helps her. Your best bet is still to go grandfathered.

MR. TORLEY: The further back you can take it around '68, '66 timeframe, the more information that it was intended as that way and has been essentially not every month but essentially maintained as a multi-family dwelling.

MS. KIRK: Yes.

MR. REIS: Kerry, it might be in your best interest to talk to an attorney.

MS. KIRK: Michele Anderson has been helping us and she said this is the best idea she thought for us to try, that's why we're pursuing it.

MR. KANE: Andy, do you have something?

MR. KRIEGER: No, just going to say that in terms of I don't think that the applicant, I think the applicant may not understand fully with these circumstances there are two possible things that the zoning board can do. They can grant an interpretation saying that this is in essence grandfathered in, that's an interpretation. If they fail that, then it has to be application for a use variance. As the Chairman indicated to you, there are considerable legal aspects with respect to a use variance, the most difficult of which Mr. Kane has highlighted, but it's not the only one. An interpretation is merely a question if it's been used before zoning and continuously with no more than a two year break. And so all the discussion that they've

been giving to you with respect to records and proving this and so forth has to do with the interpretation phase. If it isn't enough in the opinion of the members of the board, then they would have to apply for a use various test and then it has to do with the no reasonable return, not salable as a single family, all that stuff and it is, those tests our state legislature has made those hurdles rather high, so if at all possible an interpretation is a more potentially fruitful avenue of approach if it can be done.

MR. TORLEY: Gentlemen, any other questions? I would suggest that the motion may be accomplishing both.

MR. KANE: With your permission, I'm going to make a motion that we request a public hearing for a use variance and/or an interpretation on the property as grandfathered in.

MS. KIRK: That sounds fine.

MR. REIS: Second the motion.

MR. KRIEGER: The applicant has been required to fill out a short form EAF, if in the opinion of the board that doesn't supply sufficient information, the board has a right to ask for more, the long form, the draft and so forth but the short form has been sufficient in the past for the members of the board to satisfy their SEQRA requirements. Now where the commercial comes in is in the event that it's commercial before developing it an applicant may also have to get site plan approval from the planning board, that's not this board, there's no change here, just possible additional requirement.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

PROJECT I.D. NUMBER

617.21

SEQR


Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Joseph DeLeonardo/Kerry Kirk	2. PROJECT NAME 19 Hillside Ave
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 19 Hillside Ave, New Windsor New York North West Quarter mile from Windsor Highway (Route 32)	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration <input checked="" type="checkbox"/> Existing	
6. DESCRIBE PROJECT BRIEFLY: Grandfathering of existing three family structure	
7. AMOUNT OF LAND AFFECTED: Initially .23 acres Ultimately .23 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Existing zoning is an R-4	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Kerry Kirk	Date: 04/01/03
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If No, a negative declaration may be superseded by another involved agency.</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="margin-left: 40px;">None</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="margin-left: 40px;">None</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="margin-left: 40px;">None</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="margin-left: 40px;">None</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="margin-left: 40px;">None</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="margin-left: 40px;">None</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="margin-left: 40px;">None</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p style="text-align: center;">_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>
<p style="text-align: center;">_____ Date</p>	

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 9, 2003

APPLICANT: Joseph DeLeonaro
1647 Roland Ave.
Wantagh, NY 11793

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 6, 2003

FOR : Illegal 3 Family Dwelling

LOCATED AT: 19 Hillside Ave.

ZONE: R-4 Sec/Blk/ Lot: 12-1-30

DESCRIPTION OF EXISTING SITE: SBL 12-1-30 19 Hillside Ave.

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Use/Bulk Table R-4 Zone

1. Multiple dwellings are not permitted in the R-4 Zone
2. A use variance for a 3 family multiple dwelling is required.


BUILDING INSPECTOR

COPY

PERMITTED

PROPOSED OR
AVAILABLE:

USE VARIANCE
REQUEST:

ZONE: R-4 USE: Illegal
3 Family
Multiple Family

3 Family Multiple
Dwelling

Legal 3 Family Multiple
Dwelling

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

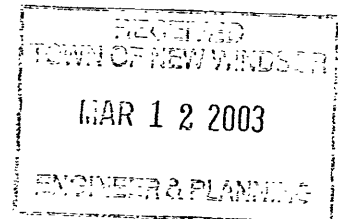
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



03-13

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JAN 6 2003

ZONING BOARD

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2003-18

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Joseph DeLeonardo

Address

19 Hillside Ave

Phone #

565-6690

Mailing Address

1647 Roland Ave Wintagh

Fax #

ext. 225

Name of Architect

Cell # 914-542-0154

Address

Phone

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder AGENT

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the South side of Hillside Ave
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 12 Block 1 Lot 30

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy ex. 3 fam b. Intended use and occupancy ex. 3 fam

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms 6 Baths 3 Toilets 3 Heating Plant: Gas _____ Oil ☒
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars 2 car

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost ZONING BOARD

Fee

\$50.00

CH# 484

PAID

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4685 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

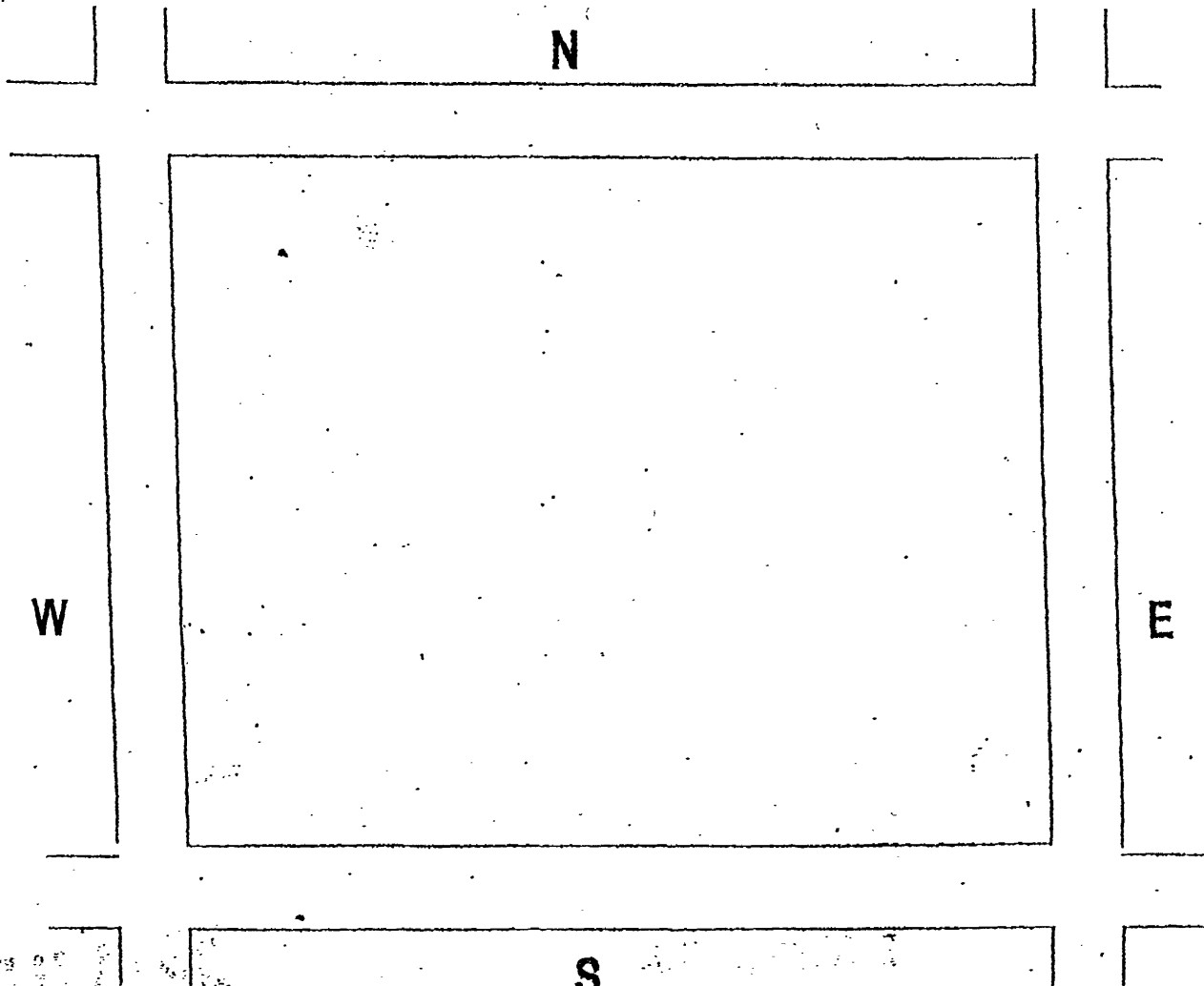
(Owner's Signature)

(Owner's Address)

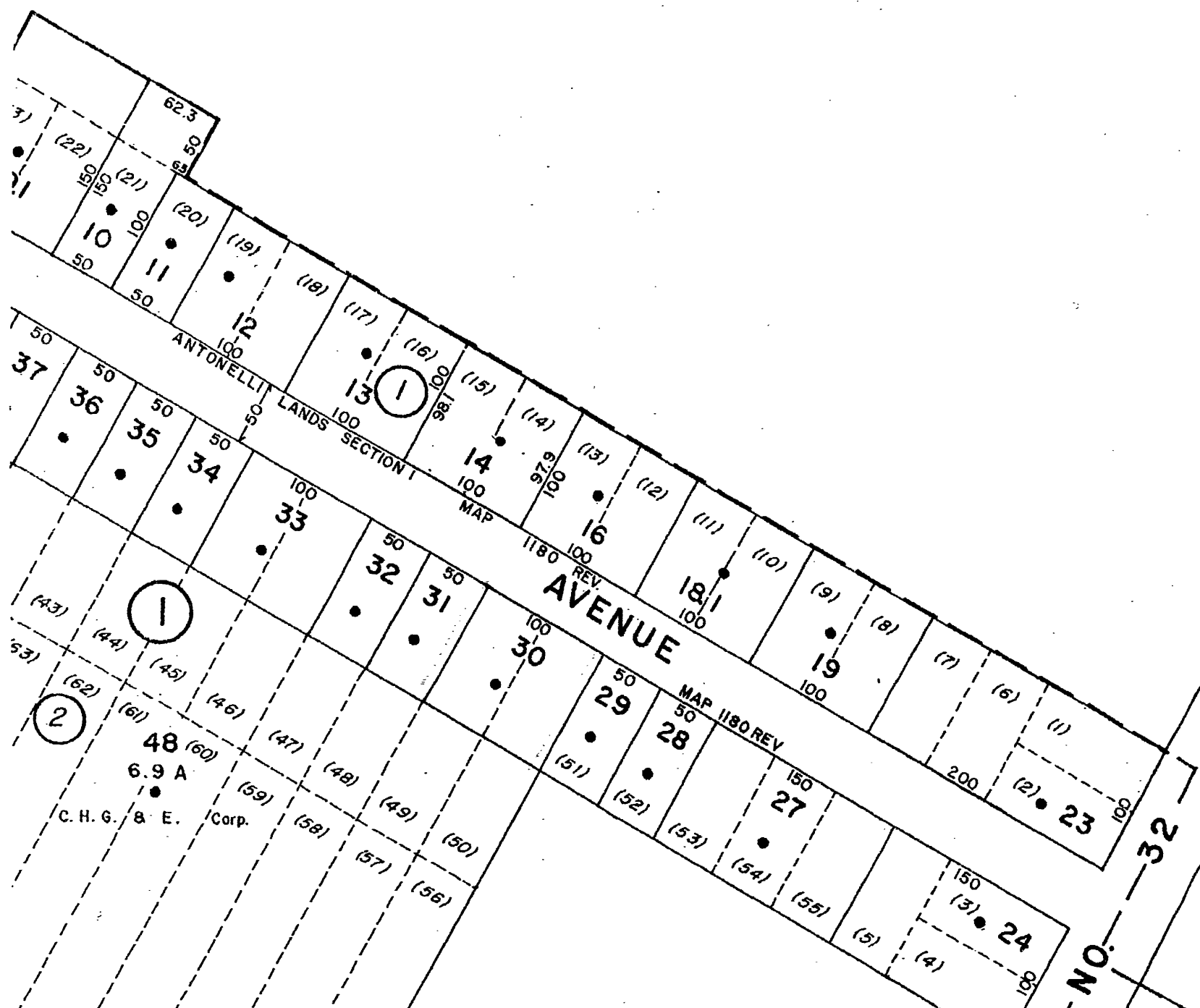
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION



E 330.000
N 539.000

NO. 32



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

March 19, 2003

Ms. Kerry Kirk
Prudential Rand Realty
P.O. Box 778
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE FOR DELEONARO

Dear Ms Kirk:

This letter is to inform you that you have been placed on the March 24th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Joseph Deleonaro
19 Hillside Avenue
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#247-2003

03/14/2003

Deleonardo, Joseph
1647 Roland Ave.
Wantagu, NY 11793

Received \$ 50.00 for Zoning Board Fees, on 03/14/2003. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-13-2003

FOR: #03-13 ESCROW

FROM: **MR. JOSEPH DELEONARDO**

1647 ROLAND AVENUE

WANTAGH, NY 11793

CHECK NUMBER: 1366

AMOUNT: \$300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/17/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 03-13 Application Fee

JOSEPH DELEONARDO
CARMELA DELEONARDO
1647 ROLAND AVE. 516-826-5104
WANTAGH, NY 11793

29-1/213
5205054296


1365

DATE JAN. 21 2003

PAY TO THE ORDER OF TOWN OF NEW WINDSOR \$ 50. ^{xx}/₁₀₀

Fifty ^{xx}/₁₀₀

DOLLARS

 Fleet
27520 www.fleet.com
Newburgh, New York 12550

MEMO

10213000190 52050 54296 1365

Joseph DeLeonardo

ZBA # 03-13 ESCROW

JOSEPH DELEONARDO
CARMELA DELEONARDO
1647 ROLAND AVE. 516-826-5104
WANTAGH, NY 11793

29-1/213
5205054296


1366

DATE JAN. 21 2003

PAY TO THE ORDER OF TOWN OF NEW WINDSOR \$ 300. ^{xx}/₁₀₀

Three hundred ^{xx}/₁₀₀

DOLLARS

 Fleet
27520 www.fleet.com
Newburgh, New York 12550

MEMO

10213000190 52050 54296 1366

Joseph DeLeonardo

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Joseph DeLeonardo, deposes and says that he resides
(OWNER)
at 1647 ROLAND AVE WANTAGH in the County of N.Y 11793
(OWNER'S ADDRESS)
and State of NEW YORK and that he is the owner of property tax map
(Sec. 12 Block 1 Lot 30)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

KERRY KIRK 76 MOUNTAIN VIEW AVE NEWBURGH
(Applicant Name & Address, if different from owner) N.Y 12550
PRUDENTIAL RAND REALTY 401 WINDSOR HWY
(Name & Address of Professional Representative of Owner and/or Applicant) VALES GATE,
N.Y 12584

to make the foregoing application as described therein.

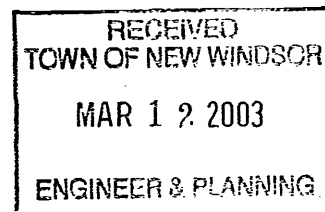
Date: 1/21/03

** Joseph DeLeonardo ny 541530245
Owner's Signature (MUST BE NOTARIZED) ex 11/10

Sworn to before me this 21 day of Jan
2003

[Signature]
Applicant's Signature if different than owner
[Signature]
Representative's Signature

KATHLEEN A. GALT
Notary Public, State of New York
No. 4892987
Qualified in Nassau County
Commission Expires May 4, 2003



****PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

03-13



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE



03-13 1 3/12/03

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☒

I. **Owner Information:**

Phone Number: (516) 826-5104

Joseph DeLeonardo

Fax Number: ()

(Name)

1647 Roland Ave Wantaugh, N.Y. 11793

(Address)

II. **Purchaser or Lessee:**

Phone Number: ()

Fax Number: ()

(Name)

(Address)

III. **Attorney:**

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**

Phone Number ()

unknown

Fax Number: ()

(Name)

(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 19 Hillside Ave

Lot Size: .23 Tax Map Number: Section 12 Block 1 Lot 30

a. What other zones lie within 500 feet?

b. Is pending sale or lease subject to ZBA approval of this Application? no

c. When was property purchased by present owner? 1978

d. Has property been subdivided previously? no If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? no

f. Is there any outside storage at the property now or is any proposed? yes, small shed

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT ~~FINALIZED~~ ^{RECEIVED} EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

TOWN OF NEW WINDSOR

MAR 12 2003

ENGINEER & PLANNING

03-13

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

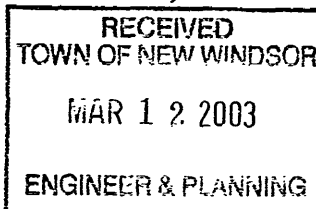
Describe proposal: interpretation for 3 family
USE

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

AS STATED IN SECTION IX, THE OWNER IS A 74 YEAR OLD
MAN WITH SEVERAL HEALTH ISSUES LIVING ON A FIXED
INCOME IN SUFFOLK COUNTY. THE AMOUNT OF ALTERATIONS
AND COST OF SUCH TO RETURN TO SINGLE FAMILY STATE
WOULD BE AN INCREDIBLE HARDSHIP FOR THE OWNER,
WE SOUGHT LEGAL ADVICE AS TO WHETHER WE COULD
SUE THOSE WHO ASSURED HIM IT WAS A LEGAL 3 FAMILY.
THE STATUTE OF LIMITATIONS WE WERE INFORMED HAD
EXPIRED

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-13

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

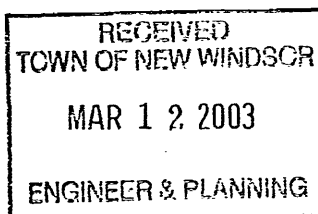
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The applicant is a 74 year old man with health issues
who does not live in the area. Property was sold to him as a "legal" 3 family in
1978. The tax records currently indicate 9 taxable multi-family properties on the
street out of 31 taxable parcels. The statute of limitations has expired for any
possible financial compensation from the parties involved in the sale of the home
to the current owner. Mr. DeLeonardo was assured by all parties at the time of
purchase that property was legal 3 as Mr. DeLeonardo indicted that he would not
be interested if it was not. He currently lives on a fix income and the necessary
structural changes and removal of 2 kitchens would be put a financial hardship on
the current owner. Mr. DeLeonardo did not convert property to a 3 family. The
home was converted by the previous owner prior to issuance of CO's in the town.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-13

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs _____?

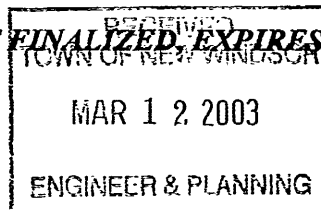
XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section 48-12 Bulk Table R-4 zone

- (b) Describe in detail the proposal before the Board:
PROPERTY HAS BEEN USED AS 3 FAMILY
CONTINUOUSLY SINCE PRIOR TO CO ISSUANCE
IN NEW WINDSOR. WE ARE APPLYING FOR
CONTINUATION OF THIS USE

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-13

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

XIII. ATTACHMENTS REQUIRED:

- ☐ ~~Copy of referral from Building/Zoning Inspector or Planning Board.~~
- ☐ ~~Copy of tax map showing adjacent properties.~~
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ ~~Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.~~
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ _____, (escrow)
- ☒ One in the amount of \$ _____, (application fee)
- ☒ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles.

3-6-03
Date:

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

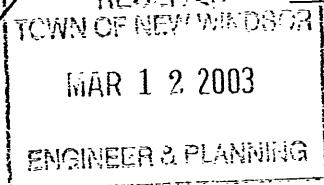
Sworn to before me this 6th day of March, 2003.

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 12/31/2006

[Signature]
(Applicant Signature)

KERRY KIRK
(Please Print Name)

NOTE: THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-13



EXCLUSIVE RIGHT TO SELL LISTING AGREEMENT



MLS# _____

Orange County, New York July 17 2002
Month/Day Year

Grant of Exclusive Right to Sell. In consideration of Prudential Rand Realty, (hereinafter referred to as BROKER), undertaking to find a purchaser for the property located at: 19 Hillside Ave New Windsor
New York 12553, the undersigned, J. Delgado, (hereinafter referred to as OWNER) gives to BROKER the sole and exclusive right to sell said property for \$ 249,000 and to submit said property to the GREATER HUDSON VALLEY MULTIPLE LISTING SERVICE, INC. (hereinafter referred to as MLS), under its MULTIPLE LISTING RULES AND REGULATIONS. The OWNER authorizes the BROKER to submit this listing to the MLS by a date no later than Oct 17, 2002 and to make an offer of cooperation to all participants in the MLS and any other cooperating agent authorized under the law to receive a commission and with whom the listing BROKER deems it appropriate to cooperate in the OWNER'S best interest.

1. Period of AGREEMENT. This AGREEMENT shall be effective from the above date and shall expire at midnight on Oct. 19 2002
Month/Day Year

2. OWNER'S Authorization and Obligation. The OWNER understands that in order to facilitate and expedite the sale of said property:

(a) OWNER authorizes the BROKER to make and use photographs of said property.

(b) OWNER grants the BROKER exclusive "FOR SALE" sign privilege on said property, consents that said property may be shown at any reasonable hour, and agrees to refer any and all inquiries concerning said property to BROKER. Should OWNER desire to rent said property during the term of this AGREEMENT, said BROKER is granted the sole and exclusive right to rent said property.

3. Listing on Internet. OWNER authorizes submission of listing and photograph to the Internet when appropriate or available.

4. Lock Box. OWNER gives to BROKER the right to install a Supra Electronic Lock Box on the above described property.

5. Fair Housing. It is agreed that this property is listed in full compliance with local, state, and federal fair housing laws against discrimination on the basis of race, color, religion, sex, nation origin, handicap, age, marital status, and/or familial status, children or other prohibited factors.

6. Brokerage Fee: Amount, When Due and Payable. If, during the period of this AGREEMENT, or any extension thereof, a transfer, sale, or exchange of the property is made, effected, or agreed upon with anyone, or BROKER is successful in bringing about a meeting of the minds on the essential terms of an agreement to transfer, sell, or exchange the property, the OWNER agrees to pay the BROKER a commission of 5 % of the sale price, or \$ _____. Further, this commission will be due and payable if after the expiration date of this Agreement and during the 3 months thereafter (the "Holdover Period"), a purchaser buys the property who was (a) shown the property by a licensed agent or participant of MLS and/or (b) made aware of the property by a licensed agent or participant of MLS or the OWNER during the term of the listing or any extension thereof, provided OWNER has been personally introduced to or has received written notification of the names of prospective purchasers before or upon termination of this AGREEMENT or any extension thereof. Further, Owner represents that he or she has the authority to enter into this AGREEMENT as a true and legal owner of the property, and that he or she will be liable for the full commission earned and payable hereunder.

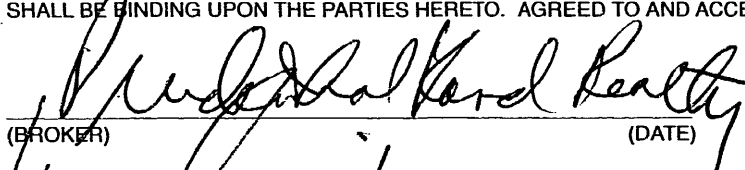
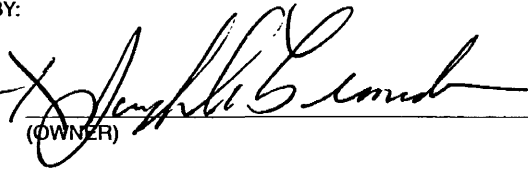

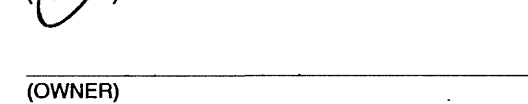
7. Commission Escrow. If, for any reason, the BROKER is not paid the compensation as set forth herein on the due date, the OWNER shall establish an escrow account with a party mutually agreeable to the BROKER and OWNER and shall place into said escrow account an amount equal to the compensation set forth herein. These monies shall be held in escrow until the parties' rights to the escrow monies have been determined (a) by the written agreement of the parties, (b) by order of a court of competent jurisdiction, or (c) some other process to which the parties agree in writing. In the event the BROKER requires an attorney to enforce collection of any brokerage fee due hereunder and is successful in collecting all or any portion thereof with or without commencing a legal action or proceeding, OWNER agrees to pay BROKER'S attorney's fees, costs, and related expenses.

8. Subagency. BROKER is not authorized to make an offer of subagency to other brokers.

9. Buyer Agency. BROKER is duly authorized to make an offer of cooperation to any MLS participant acting in the capacity of a Buyer's Agent. OWNER understands that such Buyer's Agents will be representing only the interests of the prospective purchaser.

10. TERMINATION: I understand that if I terminate the BROKER'S authority prior to expiration of the term of this AGREEMENT, BROKER shall retain its contract rights to a commission for the original term and for the Holdover Period of this AGREEMENT, and that BROKER shall retain its contract rights to recover any advertising expenses and any other damages incurred by reason of my early termination of this AGREEMENT.

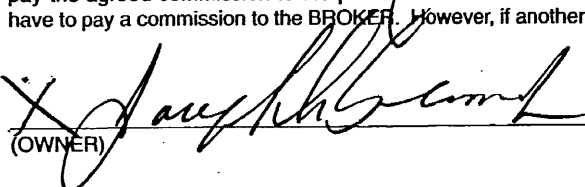
THE OWNER HAS READ AND UNDERSTANDS THIS AGREEMENT AND ACKNOWLEDGES RECEIPT OF A COPY OF SAID AGREEMENT. THIS AGREEMENT SHALL BE BINDING UPON THE PARTIES HERETO. AGREED TO AND ACCEPTED BY:

 (BROKER)	 (OWNER)
 (AUTHORIZED REPRESENTATIVE)	 (OWNER)

DEFINITIONS

The following definitions are offered in compliance with Regulation 175.24 under Article 12-A of the Real Property Law.

An "EXCLUSIVE RIGHT TO SELL" listing means that if you, the OWNER of a property, find a buyer for your house, or if another Broker finds a buyer, you must pay the agreed commission to the present BROKER. An "EXCLUSIVE AGENCY" listing means that if you, the OWNER of a property, find a buyer, you will not have to pay a commission to the BROKER. However, if another Broker finds a buyer, you will owe a commission to both the selling Broker and your present BROKER.

 (OWNER)	<div data-bbox="683 956 1002 1170" style="border: 1px solid black; padding: 5px; text-align: center;">TOWN OF NEW WINDSOR MAR 12 2003 ENGINEER & PLANNING</div>	<div data-bbox="1021 1085 1308 1170" style="font-size: 2em; font-weight: bold;">03-13</div>
(DATE)	(OWNER)	(DATE)

* * * Transmission Result Report (MemoryTX) (Oct.31. 2002 1:35PM) * * *

1)
2)

Date/Time: Oct.31. 2002 1:34PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
6192	Memory TX	mls goshen	P. 1	OK	

Reason for error
mm.1) Hang up or line fall
mm.3) No answer

mm.2) Busy
mm.4) No facsimile connection

Serving Orange, Rockland, Sullivan & Ulster Counties
GREATER HUDSON VALLEY
MULTIPLE LISTING SERVICE
EXTENSION AGREEMENT

DATE: 10-30-02
 BROKER CODE: KAND11
 MLS #: 315481

It is hereby agreed that:
 The undersigned grants to Pinkard Paul Leuty
 an extension to the Exclusive listing contract. The listed property is known and described in the MLS Service as:
 Area: 620
 Address: 1019102
 (ORIG. LISTING DATE) 07/17/02 (LAST EXPIRATION DATE) 4/21/02
 All the terms outlined in the original agreement shall apply to this extension agreement, with the following exception:

(OWNER) 10/31/02 (DATE)
 (OWNER) Pinkard Paul Leuty
 (COPIES ASSOCIATE) 10/31/02 (DATE)
 Listing may be extended only if done within 30 days of current expiration date. Over 30 days requires a new listing.

REGISTERED
 TOWN OF ROCKWINDSOR
 MAR 12 2003
 ENGINEER & PLANNING

03-13